

Notice of Allowability

Application No.

10/701,465

Examiner

Patricia L Engle

Applicant(s)

KIMURA, TAKAYUKI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on November 6, 2003.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 06 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/6/03;4/13/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

PATRICIA ENGLE
PATENT EXAMINER
ART UNIT 3612

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald Studebaker on July 23, 2004.

The application has been amended as follows:

Please rewrite claims 1, 3 and 4 as follows-

1. (Currently Amended) A vehicle upper body structure, in which a front door and a rear door cover a continuous door opening with no partition in a side part of a vehicle body so that the door opening is opened and closed, the front door is pivotally attached at a front part thereof to the vehicle body so that the front door is opened and closed, and the rear door is pivotally attached at a rear part thereof to the vehicle body so that the rear door is opened and closed, comprising:

a roof opening which is formed in a roof portion of the vehicle body and through which a vehicle cabin leads to the outside of a vehicle;

an opening and closing member which covers said roof opening so that the roof opening is opened and closed;

a roof opening frame which supports said opening and closing member; and

a load transmitting member which transmits a load in the vehicle-width directions, said load transmitting member being disposed at a side part of said roof opening frame such that the

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load transmitting member is located between the roof opening frame and a position corresponding to free-end upper parts of both doors when they are in the closed position which are kept closed.

3. (Currently Amended) The vehicle upper body structure according to claim 1, wherein said load transmitting member is connected at one end thereof to said roof opening frame, and is connected at the other end thereof to a roof rail in the vicinity of free-end parts of both doors when they are in the closed position ~~which are kept closed~~.

4. (Currently Amended) The vehicle upper body structure according to claim 1, wherein:
a reinforcement extends in substantially the up and down directions in the vicinity of a free-end part of at least one of both doors; and

said load transmitting member is connected to a roof rail so as to overlap, in side view, with an upper part of said reinforcement in the front and rear directions of the vehicle when both doors are in the closed position ~~while both doors are kept closed~~.

2. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of the claims in this application is that the prior art of record does not disclose or suggest a vehicle upper body structure in which front and rear doors cover a continuous door opening with no partition in a side part of the vehicle and a roof opening formed in the roof portion with an opening/closing member and a roof opening frame and a load transmitting member which transmits a load in the vehicle width direction wherein the load transmitting member is located between the roof opening frame and a position that corresponds to free-end upper part of both doors when the doors are in the closed position. French Patent 2701677, EP0188837A1 and DT 2543734 disclose sunroofs for vehicles with sunroof frames and brackets

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connecting the sunroof frame to the fixed frame portion. These patents do not disclose that the brackets would be at a location that corresponds to free-end upper part of both doors when the doors are in the closed position. Although vehicles with double-leafed hinge doors with a continuous opening and no partition are known, placing a load transmitting member between a roof opening frame and the location where the doors overlap is not known. There would have been no motivation to place a the load transmitting member at that location rather than any other location. The combination is novel and unobvious.

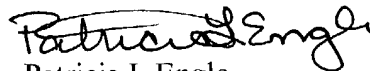
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Examiner
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July 23, 2004